## AMENDMENTS TO THE CLAIMS

1-40. (Canceled)

41. (Currently Amended) A method of formatting an optical recording medium, said optical recording medium including a first spare area, a second spare area for replacing a defective unit with available replacement unit, and a defect management area including a defect management information for managing a defective area, the method comprising:

(a) formatting the optical recording medium in response to the formatting request at least to use the second spare area as a continuous portion of a user data area after formatting, wherein the second spare area is changed into the continuous portion of the user data area by formatting so that a size of the user data area is increased; and,

(b) resetting a location information of the second spare area to indicate a changed size of the second spare area after formatting,

wherein the step (a) of formatting the optical recording medium includes creating a new defect list of the defect management area to replace an old defect list in response to changing of the second spare area, and

wherein the second spare area has a variable size and a start position of the second spare area is varied, depending upon the variance of the size of the second spare area, while an end position of the second spare area is fixed and is located close to a lead-out area of the recording medium.

42.   (Previously Presented) The method of claim 41, further comprising:

(c) determining if the second spare area has been assigned prior to said formatting step (a) and said resetting step (b),

wherein said steps (a) and (b) are performed if the second spare area has been assigned.

43.   (Previously Presented) The method of claim 41, wherein said formatting step (a) comprises:

(a1) registering sectors judged to have defects into the new defect list, if the optical recording medium is to be formatted with certification.

44.   (Previously Presented) The method of claim 43, wherein said formatting step (a) further comprises:

(a2) disposing an old defect list that existed prior to said formatting step (a), if the optical recording medium is to be formatted with certification.

45.   (Previously Presented) The method of claim 41, wherein said formatting step (a) comprises:

(a1) registering all sectors previously judged in an old defect list into the new defect list if the optical recording medium is to be formatted without certification.

46.    (Previously Presented) The method of claim 41, further comprising:

(c) storing the location information of the second spare area in the defect management area of the optical recording medium.

47.    (Previously Presented) The method of claim 46, wherein the location information of the second spare area includes the start position of the second spare area on the optical recording medium.

48.    (Previously Presented) The method of claim 47, wherein said resetting step (b) comprises:

(b1) resetting the start position of the location information.

49.    (Currently Amended) A method of formatting an optical recording medium, said recording medium including a first spare area, a second spare area for replacing a defective area with available replacement area which has a variable size, and a defect management area including a defect management information for managing the defective area, the defect management information including a first information to indicate a defective unit found at least after formatting, the first information further including a second information to indicate a location of the second spare area, the method comprising:

(a) checking if a command for formatting of the optical recording medium is received;

(b) changing the second spare area to a <u>continuous portion of a</u> user <u>data</u> area ~~to be written~~ <u>in order to increase a size of the user data area</u>, if the command is received, while resetting the second information to indicate a changed size of the second spare area after formatting; and

(c) creating a new defect list of the defect management area to replace an old defect list <u>in response to changing of the second spare area</u>,

wherein the second information includes start and end addresses of the second spare area, and the end address is fixed and is located close to a lead-out area of the recording medium, while the start address is varied, upon the variance of the size of the second spare area.


50.     (Currently Amended) A recording medium, comprising:

a first spare area and a second spare area for replacing a defective area with an available replacement area; and

a defect management area including a defect management information for managing a defective area, the defect management information including a first information to indicate the defective area found at least after formatting, the first information further including a second information to indicate a location of the second spare area,

wherein the second spare area ~~can be~~ is changed to a continuous portion of a usable user data area in order to increase a size of the usable user data area when formatting, while the second information is reset to indicate a changed size of the second spare area after formatting, and wherein the second spare area has a variable size and a start position of the second spare area is varied, depending upon the variance of the size of the second spare area, while an end position of the second spare area is fixed and is located close to a lead-out area of the recording medium, and

wherein a new defect list of the defect management area is created to replace an old defect list in response to changing of the second spare area when formatting.


51.    (New) A method of formatting an optical recording medium, said optical recording medium including a spare area for replacing a defective unit with an available replacement unit, and a defect management area including a defect management information for managing a defective area, the method comprising:

formatting the optical recording medium in response to a formatting request at least to use a portion of the spare area as a continuous portion of a user data area after formatting, thereby increasing a size of the user data area in a continuous manner; and

changing a location information of the spare area to reflect the changed

size of the spare area after formatting,

wherein the formatting the optical recording medium includes creating a

new defect list of the defect management area to replace an old defect list in

response to changing of the spare area.

52.    (New) The method of claim 51, further comprising:

determining if the spare area has been assigned prior to the formatting of

the optical recording medium; and

performing the formatting of the optical recording medium based on the

determining result.

53.    (New) The method of claim 51, wherein the formatting of the optical

recording medium comprises:

registering defective sectors in the user data area at a new primary defect

list if the optical recording medium is formatted with certification.

54.    (New) The method of claim 53, wherein the formatting of the optical

recording medium further comprises:

disposing an old secondary defect list prior to the formatting if the optical

recording medium is formatted with the certification.

55.    (New) The method of claim 51, wherein the formatting of the optical recording medium comprises:

registering all sectors which have previously been registered at an old secondary defect list, at a new primary defect list, if the optical recording medium is formatted without certification.

56.    (New) The method of claim 51, further comprising:

storing location information of the spare area in the defect management area.

57.    (New) The method of claim 56, wherein the location information of the spare area includes a start position of the spare area.